

T H E T O W N O F



S6911 State Highway 113 - P.O. Box 115
Merrimac, WI 53561

NOTICE OF PUBLIC HEARING TOWN OF MERRIMAC

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Planning and Zoning Commission of the Town of Merrimac on Wednesday, February 19, 2014, beginning at 7:00 p.m. at the Merrimac Town Hall, S6911 State Highway 113, to consider proposed Town Ordinance 2014-12 amending the Town of Merrimac Zoning Ordinance by creating a definition of “Vacation Rental Establishment” to the Town of Merrimac Zoning Ordinance and to allow for vacation rental establishments by conditional use. Under present ordinance, vacation rental establishments are subject to collect Wisconsin Sales & Use Tax and Merrimac Room Tax even though they are currently a prohibited land use. These proposed amendments will allow for vacation rental establishments only when conditions established by the town board have been met. Another amendment changes the requirement of approving swimming pools as a Conditional Use and requiring only a Land Use/ Building permit. The proposed ordinance amendments are as follows:

ADDITIONS:

DEFINITION: Vacation Rental Establishment. Any property that is regulated by Wis. Stats. Chapter 254, subchapter VII as a tourist rooming house; and in addition; any real property that is subject to any contract, lease, sublease, rental agreement, easement, instrument or other device (the “Agreement”), if all of the following circumstances apply: a) the agreement or Agreements create a right to occupy said property during separate periods of time; b) such rights of occupancy have an actual duration of less than 29 days; c) the Agreement requires payment of other remuneration or barter, for the benefit of the property owner; and d) the separate rights to occupy the property occur two or more times per calendar year. Nothing herein shall be interpreted to include rental of property which does not qualify as a vacation rental pursuant to this definition.

- 1) Chapter 2 of the Town of Merrimac Zoning ordinance entitled “General Provisions”, Section 2.30 entitled “Vacation Rental Establishments” is hereby created as follows:

2.30 Vacation Rental Establishments

1. Subject to the provisions of subsection 2.30 (2), vacation rental establishments may be permitted in the following districts:
 - a) Agricultural District
 - b) Agricultural Conservation District
 - c) Single Family Residential District

2. Conditional use status shall not be granted to vacation rental establishments unless all of the following conditions are met:
 - a) The petitioner must provide to the Town Clerk a copy of the State Tourist Rooming House License for the subject property, prior to the conditional use order being granted; and evidence of each renewal of such license shall be filed by the Petitioner with the Town Clerk, such as evidence that a current license is always on file for the duration of the vacation rental establishment conditional use permit.
 - b) Transfer of a conditional use permit issued in accordance with this section shall not be permitted. Should the subject property be sold or transferred, then the conditional use permit shall become void and a new conditional use permit must be issued for use as a vacation rental establishment to continue. The town is not obligated or required to issue a conditional use permit to the new property owner.
 - c) All vacation rental establishments shall be subject to and comply with Wis. Stats. Chapter 254, subchapter VII as required by Wis. Stats. 254.69 (2), which sections are incorporated herein by reference.
 - d) All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code HS 195 which is hereby incorporated herein by reference.
 - e) A minimum of one off-street parking stall shall be provided for every guest bedroom. All off-street parking shall be established outside of the town highway (road) right-of-way.
 - f) Sleeping quarters related to a vacation rental establishment use shall only be located within the principal residential structure on the property. Accessory buildings cannot be used for sleeping quarters.
 - g) All refuse containers shall be screened from view and instructions for recycling shall be posted.
 - h) Unless the property is connected to a municipal sewer system, the property owner must provide proof that the septic system is property sized for the proposed use and shall be properly maintained.
 - i) Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Town Planning & Zoning Commission. Such clear delineation must be maintained for the duration of the conditional use permit to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.

- j) The Planning and Zoning Commission and the Town Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing lodging place as defined by Wis. Stat. 254.61 when reviewing a request for a vacation rental establishment conditional use permit.
- k) The Town Board may revoke the conditional use permit if the property has been declared a public nuisance affecting the peace and safety affecting the public. Public nuisances shall include, but are not limited to all loud and unnecessary noises, including those produced by animals and the unlawful use of fireworks, particularly before 6:00am and after 9:00pm; unlawful or unauthorized use of any town highway (road) which causes large crowds to gather or obstructs traffic; illegal or unlawful activity; and failure to remove all snow and ice from sidewalks, parking areas, and driveways.
- l) The Town Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Town Board.
- m) Room tax shall be collected by the property owner from the lessee to whom the Agreement has been made. The room tax shall be remitted to the Town Clerk on a quarterly basis. Should the property owner fail to remit the room tax, the property shall be subject to the forfeiture provisions of Town Ordinance 1-78 and the conditional use permit shall be automatically revoked. Upon remittance of delinquent room tax, the conditional use permit may be reinstated.
- n) Every conditional use permit for a vacation rental establishment expires on June 30 of each year and shall be eligible to apply for one (1) year renewal periods unless the conditional use permit is revoked by the town or voluntarily surrendered by the property owner. The Town Clerk shall prepare a renewal application for vacation rental establishments and collect a \$15.00 application fee plus costs for legal publications. All renewals shall be subject to the following:
 - 1. The clerk shall post and publish a Class I legal notice 15 days prior to the granting of the conditional use permit renewal.
 - 2. The Town Board may renew a conditional use permit if the property owner has demonstrated it has met all of the same conditions established when the conditional use permit was initially issued unless a condition has been specifically waived by the Planning and Zoning Commission.

3. The Town Board may deny renewal of the conditional use permit if the property is deemed to be a nuisance or has failed to meet any of the conditions established.
4. The Town Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Town Board.
 - o) If the town finds that any statement made on the conditional use permit, or the renewal application, is incorrect, the Town Board may, at any time, immediately and summarily revoke the conditional use permit.
 - p) The property owner shall provide a copy of this ordinance along with a current copy of the conditional use permit to any person using the property for vacation rental purposes prior to the commencement of each use.

AMENDMENTS:

7.02 Permitted Uses

7) Fenced swimming pools shall comply with all State codes.

7.03 Conditional Uses

~~5) Fenced swimming pools shall comply with all State codes.~~

Interested parties may contact the Town Administrator at (608) 493-2588 or by email to tnadmin@merr.com.

During the Public Hearing, the public is invited to speak regarding the amendment. Written comments can be submitted to the Town Clerk prior to the meeting and shall become part of the record. The Public Hearing shall be closed when all interested parties in attendance have had a chance to offer comment.

Upon the close of the Public Hearing, a meeting of the Planning & Zoning Commission of the Town of Merrimac shall be called to order and the amendment shall be discussed and considered per the agenda.



By Order of the Town Board of the Town of Merrimac
Tim McCumber, Town Administrator & Clerk - Treasurer

HEARING NOTICE POSTED January 31, 2013